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February 15

Honorable John P. H. Chandler, Jr.
Executive Council
State House
Concord, New Hampshire

Dear Sir:

You have requested an opinion from this office relative to whether the Governor and Council may authorize travel funds, at the request of the Planning and Development Commission for individuals not employees of the Commission but on business of the Commission for out-of-state travel. We answer in the negative.

This office has previously ruled that public funds may be used for the payment of expenses of persons only (a) when specifically authorized by the Legislature, (b) or whenever such persons occupy the status of state officials or state employees, or (c) when they are under valid contract to the state, the contract so providing.

Inasmuch as the laws relative to the Planning and Development Commission do not provide specific authority for payment of the expenses of persons not in a category of state officials or employees, and as it is recognized that these persons are not state employees nor under contract to the state it is our opinion that the Governor and Council may not authorize the expenditure of public funds in this manner.

C O P Y

Honorable John P. H. Chandler, Jr.

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It is suggested that the Planning and Development Commission may, with the assistance of the Personnel Division, and provided funds are available, engage by a contract, individuals necessary to supply the Commission with services of a special or expert nature providing Governor and Council authorization is received.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AEB,Jr/T